ARTICLE 1

Land Use Code Applicability

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CHAPTER 9.10 - PURPOSE AND APPLICABILITY OF LAND USE CODE

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9.10.010 - Purposes of Land Use Code

Title 9 of the Arcata Municipal Code constitutes the City of Arcata Land Use Code, hereafter referred to as "this Land Use Code." These regulations carry out the policies of the Arcata General Plan and Local Coastal Program by classifying and regulating the uses of land and structures within the City, consistent with the General Plan and the Local Coastal Program. This Land Use Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Land Use Code are to:

A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and community identity of Arcata;

B. Conserve and protect the City's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;

C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;

D. Minimize automobile congestion by promoting bicycle/ pedestrian-oriented development, safe, calm and effective traffic circulation, and adequate off-street parking facilities; and

E. Ensure compatibility between different types of development and land use.

9.10.020 - Authority, Relationship to General Plan and Local Coastal Program

A. Authority. The regulations within this Land Use Code are enacted based on the authority vested in the City of Arcata by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

B. Consistency with General Plan and Local Coastal Program (LCP). This Land Use Code is a primary implementation tool used by the City to carry out the goals, objectives, and policies of the Arcata General Plan and Local Coastal Program (LCP). The Arcata City Council intends that all provisions of this Land Use Code be consistent with the General Plan and Local Coastal Program, and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the General Plan and Local Coastal Program (where applicable).

C. LCP provisions. The following provisions of this Land Use Code constitute the City's ordinances for the implementation of the Arcata LCP, in compliance with the California Coastal Act:

Article 1 - Land Use Code Applicability
Article 2 - Zoning Districts and Allowable Land Uses
Article 5 - Resource Management
Article 6 - Site Development Regulations
Section 9.72.030 - Coastal Permit
Section 9.72.050 - Emergency Permit
Chapter 9.74 - Public Hearings
Chapter 9.76 - Appeals
Chapter 9.79 - Permit Implementation, Time Limits and Extensions
Chapter 9.92 - Amendments

9.10.030 - Responsibility for Administration

A. Responsible bodies and individuals. This Land Use Code shall be administered by: the Arcata City Council, hereafter referred to as the "Council;" the Planning Commission; the Community Development Director, referred to as the "Director;" the Zoning Administrator (who shall be the Director or the designee of the Director); the Historic and Design Review Commission, referred to as “HDRC;” the Environmental Coordinator (who shall be the Director or the designee of the Director, such as the Public Works Director, the Director of Environmental Services, or a Senior Planner); and the Community Development Department, hereafter referred to as the "Department."

B. Exercise of discretion. In the event that a provision of this Land Use Code allows the review authority for a permit or other decision to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, no discretion shall be exercised unless the review authority shall first make all of the following findings:

1. The proposed project complies with all applicable provisions of this Land Use Code;

2. The exercise of discretion will act to improve the compatibility of the proposed project with its site, surrounding properties, and the community, to a greater extent than if discretion were not exercised;

3. The manner in which discretion is exercised will result in a more practical application of the provisions of this Land Use Code given specific characteristics of the site and its surroundings than if discretion were not exercised; and

4. The decision is consistent with the General Plan and Local Coastal Program.

9.10.040 - Applicability of the Land Use Code

This Land Use Code applies to all land uses, subdivisions, and development within the City of Arcata, as follows.

A. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Land Use Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 9.20.020 (General Requirements for Development and New Land Uses), and Chapter 9.90 (Nonconforming Uses, Structures, and Parcels). No Building Permit or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Land Use Code.

B. Subdivisions. Any subdivision of land proposed within the City after the effective date of this Land Use Code shall be consistent with the minimum parcel size requirements of Article 2 (Zoning Districts and Allowable Land Uses), Article 8 (Subdivision Regulations and Procedures), and all other applicable requirements of this Land Use Code.

C. Continuation of an existing land use. An existing land use is lawful and not in violation of this Land Use Code only when operated and maintained in compliance with all applicable provisions of this Land Use Code, including Chapter 9.90 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Land Use Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Land Use Code or any applicable amendment, except as otherwise provided by Chapter 9.90.

D. Effect of Land Use Code changes on projects in progress.

1. A planning permit application (Article 7) that has been accepted by the Department as complete prior to the effective date of this Land Use Code or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.

2. A project that is under construction on the effective date of this Land Use Code or any amendment, need not be changed to satisfy any new or different requirements of this Land Use Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

E. Minimum requirements. The provisions of this Land Use Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Land Use Code provides for discretion on the part of a review authority (designated City official or body), that discretion may be exercised to impose more stringent requirements than set forth in this Land Use Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Land Use Code.

F. Conflicting requirements:

1. Land Use Code and Municipal Code provisions. If conflicts occur between requirements of this Land Use Code, or between this Land Use Code and the Arcata Municipal Code, or other regulations of the City, the most restrictive shall apply.

2. Development Agreements or Specific Plans. If conflicts occur between the requirements of this Land Use Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

3. Private agreements. This Land Use Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

G. Federal, State, and Local agencies.

1. Development or new land uses proposed by federal, state, or local agencies (e.g., school districts) within the City shall comply with the requirements of this Land Use Code to the maximum extent allowed by applicable federal or state laws.

2. Federal agencies are not subject to the provisions and permit requirements of this Land Use Code, the City's Local Coastal Program, or the permit requirements of the Coastal Commission, but are subject to the consistency process provided by the federal Coastal Zone Management Act of 1972 (CZMA). Non-federal development on federal lands may be subject to both the CZMA consistency process and the requirements of this Land Use Code and the Coastal Commission.

H. Other requirements may apply. Nothing in this Land Use Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

9.10.050 - Rules of Interpretation

A. Authority. The Zoning Administrator has the authority to interpret any provision of this Land Use Code. Whenever the Zoning Administrator determines that the meaning or applicability of any Land Use Code requirement is subject to interpretation, the Zoning Administrator may issue an official interpretation. The Zoning Administrator may also refer any issue of interpretation to the Planning Commission or HDRC, as appropriate for their determination. Interpretations may be appealed in compliance with Chapter 9.76 (Appeals).

B. Language. When used in this Land Use Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ."

C. Time limits. Whenever a number of days is specified in this Land Use Code, or in any permit, condition of approval, or notice provided in compliance with this Land Use Code, the number of days shall be construed as calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Zoning Map boundaries. See Section 9.12.020 (Zoning Map and Zoning Districts).

E. Allowable uses of land. See Section 9.20.030 (Allowable Land Uses and Permit Requirements).

F. State law requirements. Where this Land Use Code references applicable provisions of State law (for example, the California Government Code, California Coastal Act, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

CHAPTER 9.12 - ZONING MAP

Sections:

9.12.010 - Purpose
9.12.020 - Zoning Map and Zoning Districts
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9.12.010 - Purpose

This Chapter establishes the zoning districts applied to property within the City and adopts the City's Zoning Map, Land Use Plan Map, and Coastal Zone Boundaries maps.

9.12.020 - Zoning Map and Zoning Districts

The Council hereby adopts the City of Arcata Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Land Use Code by reference as though it were fully included here.

A. Zoning districts established. The City of Arcata shall be divided into zoning districts that implement the Arcata General Plan. The zoning districts shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map. The purposes and requirements of each zoning district are in Article 2 (Zoning Districts and Allowable Land Uses).

B. Interpretation of zoning district boundaries. If there is uncertainty about the location of any zoning district boundary shown on the Zoning Map, the Zoning Administrator shall determine the location of the boundary, as follows.

1. Where a boundary approximately follows alley or street lines, the street or alley center line shall be construed to be the boundary;

2. Where a boundary approximately follows lot lines, the lot lines shall be construed to be the boundary;

3. If a boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; provided that when unsubdivided acreage is subdivided, the location of the zoning boundary that divided the acreage shall be construed to be a new lot line or street center line within 20 feet of the location of the boundary, according to the scale of the map; and

4. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the vacated or abandoned street or alley.

C. Zoning Map amendments. Any amendment to the Zoning Map shall comply with Chapter 9.92 (Amendments).

TABLE 1-1 - ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
Agricultural and Resource Districts		
AE	Agricultural - Exclusive	Agricultural - Exclusive
AR	Agricultural - Residential	Agricultural - Residential
NR-TP	Natural Resource - Timber Production	Natural Resource - TP
NR-PT	Natural Resource - Public Trust	Natural Resource - PT
Residential Districts		
RVL	Residential - Very Low Density	Residential - Very Low Density
RL	Residential - Low Density	Residential - Low Density
RM	Residential - Medium Density	Residential - Medium Density
RH	Residential - High Density	Residential - High Density
Commercial Districts		
CC	Commercial - Central	Commercial - Central
CG	Commercial - General	Commercial - General
CV	Commercial - Visitor Serving	Commercial - Visitor Serving
CM	Commercial - Mixed Use Center	Commercial - Mixed Use Center
Industrial and Public Facility Districts		
IL	Industrial - Limited	Industrial - Limited
IG	Industrial - General	Industrial - General
PF	Public Facility	Public Facility

Zoning District Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
Combining Zones		
:CZ	Coastal Zone	All
:HL	Historic Landmark	All
:NH	Natural Hazards	All
:NCA	Neighborhood Conservation Area	All
:PA	Plaza Area	Commercial - Central
:PD	Planned Development	All
:SCA :SCNR :SCR :SCC :SCI :SCP	Special Considerations - Agricultural Special Considerations - Resource Special Considerations - Residential Special Considerations - Commercial Special Considerations - Industrial Special Considerations - Public Facility	Agricultural Natural Resource Residential Commercial Industrial Public Facility
:WP	Wetland Protection	Natural Resource - WSP
:SP	Stream Protection	Natural Resource - WSP

9.12.030 - Land Use Plan Map

A. Land Use Plan Map adopted. The official City map entitled "City and Sphere of Influence Land Use Plan Map" is hereby adopted, and incorporated into this Land Use Code by reference as though it were fully included here. This map supersedes and replaces the maps adopted by Ordinances 1071 and 1151, and all subsequent amendments to those maps.

B. Purpose and effect of Land Use Plan Map. The purpose and effect of this map is to show, for the unincorporated territory within the City's Sphere of Influence adopted by the Humboldt County Local Agency Formation Commission, the potential zoning districts of this Land Use Code that the City intends to apply to the parcels that may be eventually annexed to the City. The land use designations shown on the Land Use Plan Map shall be effective immediately upon the annexation of each subject parcel to the City per Sections 9.92.060 and 9.94.040 of this Land Use Code.

C. Amendments. Amendments to the Land Use Plan Map shall comply with the criteria and procedures in Chapters 9.92 (Amendments), and 9.94 (Annexation).